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JON M. HUNTSMAN, JR.  
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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C0150015  
#3405  
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October 1, 2009

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: Add Zero Zero North LBA, Consolidation Coal Company, Emery Deep Mine,  
C/015/0015, Task ID #3405

Dear Mr. Gefferth:

The Division of Oil, Gas and Mining (the Division) has reviewed your application to add 120 acres to the Zero Zero North Panel within Federal Lease UTU-86038. The Division has identified deficiencies that must be addressed prior to granting final approval. The deficiencies are listed as an attachment to this letter.

The initials of the author follow each deficiency in order to facilitate direct communication with that individual and an expedient review process. If you have any questions, please feel free to contact me (801) 538-5362 or Steve Christensen (801) 538-5350.

Sincerely,

James D. Smith  
Permit Supervisor

JDS/SKC/ss  
Attachment  
cc: Price Field Office  
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**Deficiency List**  
**Task No. #3405**  
**Add Zero Zero North LBA (UTU-86038)**

The members of the review team include the following individuals:

Steve Christensen (SC)  
Ingrid Wieser (IW)

**R645-301-120:** The Permittee must provide clarification language that makes it clear to the reader that the submitted information pertains directly to the Federal lease expansion of the Zero Zero North Panel. The clarification should be inserted in the following locations:

- In section VI.2.4-Baseline Information on the top of Page VI-3 of the approved MRP.
- Top of 1<sup>st</sup> page of Appendix VI-16, *Selected Text from Miller Canyon Tract EA*. (SC)

**R645-301-120:** The Permittee should provide additional figures within Appendix VI-16, *Selected Text from Miller Canyon Tract EA*. The baseline information contained within Appendix VI-16 cites Figures 3 and 4 from the Environmental Assessment. For clarification, Figures 3 and 4 should be included with the information submitted in Appendix VI-16. (SC)

**R645-301-728-** The Permittee must include further discussion as to the potential for probable hydrologic consequences (PHC) within section VI.2.8.3 of the MRP. The environmental assessment (EA) conducted by the Federal land regulatory agency identified hydrologic resources and riparian vegetation/habitat corridors that could be potentially impacted by subsidence within the ZZ North Panel expansion. These resources should be specifically addressed within the PHC section that begins on page VI-16 of the MRP. (SC)

**R645-301-411.142:** According to the archaeological report MOAC 08-096, the determination "no adverse effect" is proposed *only* if the five eligible sites (42Em3964, 42Em3965, 42Em3966, 42Em3969 and 42Em3974) are periodically monitored for subsidence impacts by a qualified archaeologist. The report also states that additional mitigation may be required. Please provide a monitoring schedule to the Division for these five sites, and a commitment to conduct mitigation if significant impacts occur. (IW)

**R645-301-322, 301-333:** Please provide a protection plan for the active prairie dog town and burrowing owl nesting area located in the Miller tract. Undermining must occur outside of the buffer period (post August 31) to avoid disturbance. The habitat must also be monitored during and after subsidence to ensure that no adverse affects have occurred. A commitment to conduct mitigation if adverse affects from mining occur must be in the plan. (IW)